



**MINUTES OF THE PUBLIC FORUM  
HELD ON 8 FEBRUARY 2023**

**1. Opening**

The Public Forum commenced at 5.37pm.

**2. Presentation**

A highly commended Excellence in the Environment Award from Local Government NSW for Communication, Education and Empowerment for the Minecraft Sustainable Design Competition was presented to Council.

**3. Presentations relating to listed Items on the Council Agenda**

The following presenters were heard:

	<b>Name</b>	<b>Item no</b>	<b>Item description</b>	<b>For/Against</b>
1	Clare Gilligan via Zoom	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
2	Maree Harman via Zoom	9.5	Proposed Name South Jerrabomberra Town Park Central Lawn	For
3	Sue Murray	9.1	Financial Sustainability Options and Special Rate Variation	Against
4	Robert Wilson	9.1	Financial Sustainability Options and Special Rate Variation	Against
5	Richard Graham	9.1	Financial Sustainability Options and Special Rate Variation	Against
6	Jacqueline McLoughlin	9.1	Financial Sustainability Options and Special Rate Variation	Against
7	Carmel Bourke	9.1	Financial Sustainability Options and Special Rate Variation	Against
8	Margot Sachse	9.1 & 9.5	Financial Sustainability Options and Special Rate Variation; and Proposed Name South Jerrabomberra Town Park Central Lawn	For  For
9	John Graham	9.1	Financial Sustainability Options and Special Rate Variation	Against

10	Laurann Yen	9.1	Financial Sustainability Options and Special Rate Variation	Against
11	Alex Baird	9.2	DA.2022.1479 - 13 Nelson Terrace, Bungendore NSW - Construction of two storey dwelling house to be used as an exhibition home	For
12	Peter Oslear	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
13	Peter Evans	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against

The following written presentations were received:

	Name	Item no	Item description	For/Against
1	Clare Gilligan	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
2	Margaret Gilligan	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
3	Peter Oslear	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
4	Damian Stocks	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
5	Rachael Johnson	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
6	Hugh Percy	9.1	Financial Sustainability Options and Special Rate Variation	Against
7	Col Dahlenburg	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
8	Matthew Dirago	9.3	Scoping Proposal Complying Development in Zone C4 Environmental Living	Against
9	Richard Graham	9.1	Financial Sustainability Options and Special Rate Variation	Against

#### 4. Petitions

Received from	Petition title	Number of signatures	Action
Judy Lawson	Correcting Historical Signage in the Braidwood District	245	The petition has been made available to Councillors and will be forwarded to responsible staff for action. Note: The General Manager advised the petition will be referred to QPRC's Heritage Advisory Committee.

#### 5. 'Questions on Notice' from the Public

Responses to the following 'Questions on Notice' received up to 1 February 2023 were provided and tabled at the meeting (see attached for responses):

Nos	Received from	In relation to:
1-22	Save Bungendore Park Inc.	Bungendore Education Precinct
23-52	Emma Brooks Maher	Bungendore Park / Mick Sherd Oval
53-58	Gervais Murphy	Sale of Council properties
59-64	Gervais Murphy	Engagement of consultant
65-71	Queanbeyan Ratepayers and Residents Association	Ellerton Drive Extension (EDE) project

#### 6. Closure

As there were no further matters, the Public Forum closed at 6.24pm.



**ATTACHMENT TO MINUTES OF THE PUBLIC FORUM  
HELD ON 8 February 2023**

**‘Questions on Notice’ from the Public**

Responses to the following ‘Questions on Notice’ received up to *Wednesday 1 February 2023* were provided and tabled at the meeting.

**Questions submitted by: Save Bungendore Park Inc.**

The following questions are about permitted use under the *Crown Land Management Act 2016*.

- 1. Is Council aware that Mick Sherd Oval and other parts of Bungendore Park (other than those parts compulsorily acquired by the Department of Education) are Crown land, dedicated for public recreation, and that it is Crown land manager in respect of this site?**

Yes.

- 2. Section 1.15 of the Crown Land Management Act 2016 provides that:**

*Crown land must not be occupied, used, sold, leased, licensed, dedicated, reserved or dealt with in any other way unless it is authorised by this Act.*

**Is Council aware of this provision?**

Yes.

- 3. Section 2.12 of the Crown Land Management Act 2016 provides that:**

**Dedicated or reserved Crown land may be used only for the following purposes—**

- (a) *the purposes for which it is dedicated or reserved,***
- (b) *any purpose incidental or ancillary to a purpose for which it is dedicated or reserved,***
- (c) *any other purposes authorised by or under this Act or another Act.***

**Is Council aware of this provision?**

Yes.

- 4. Section 3.13(1) of the Crown Land Management Act 2016 provides that:**

***The functions of a Crown land manager of specified dedicated or reserved Crown land are—***

- (a) *to be the person responsible for the care, control and management of the Crown land for purposes referred to in section 2.12 applicable to the land...***

**Is Council aware of this provision?**

Yes.

5. The NSW Department of Planning and Infrastructure Circular PS 13-001 – “How to characterise development” (21 February 2013) states that:

*An ancillary use is a use that is subordinate or subservient to the dominant purpose... To put it simply:*

- *if a component serves the dominant purpose, it is ancillary to that dominant purpose;*
- *if a component serves its own purpose, it is not a component of the dominant purpose but an independent use on the same land.*

Is Council aware of this circular?

Yes.

6. Is Council aware that use of Crown land contrary to section 2.12 of the *Crown Land Management Act* is unlawful?

Yes.

7. Is Council aware that the Department of Education is proposing to use Mick Sherd Oval for the operational requirements of the Department (see Item 9.5 – New Fee – School Hire of Sports Fields, Agenda 18 January 2023)? If so:

- (a) Does Council consider that satisfying the operational requirements of the Department of Education is a form of public recreation?

Council is proposing to accept bookings from a public institution for the purpose of public recreation.

- (b) Is Council satisfied that use of Mick Sherd Oval for the operational requirements of the Department of Education is permitted under section 2.12 of the *Crown Land Management Act*?

- (i) if so, how has it reached this conclusion?

- (ii) if not, what steps has Council taken to:

A. notify the Department of Education and the Department of Planning that it does not believe such use would be lawful; and

B. otherwise comply with its obligations under Section 3.13(1) of the *Crown Land Management Act 2016*?

Council is proposing to accept bookings from a public institution for the purpose of public recreation.

8. Is Council aware that the Department of Education is proposing to use Mick Sherd Oval for PE and other curricular activities (see Report to Council – Item 10.2 – Bungendore High School State Significant Development Update, Agenda 18 January 2023)? In relation to this:

- (a) Is Council satisfied that the curricular activities of a school are a form of public recreation?

Physical activity and playing of sports and recreation by students at a public school is considered public recreation.

- (b) **Is Council satisfied that use of Mick Sherd Oval for the curricular activities of a school is permitted under section 2.12 of the Crown Land Management Act?**
- (i) **if so, how has it reached this conclusion?**
- (ii) **if not, what steps has Council taken to:**
- A. **notify the Department of Education and the Department of Planning that it does not believe such use would be lawful; and**
- B. **otherwise comply with its obligations under Section 3.13(1) of the Crown Land Management Act 2016?**

Conduct of public recreation is in keeping with the purpose of this reserve.

9. **Council may be aware that the Department of Education has stated in the Environmental Impact Statement lodged as part of the Bungendore High School SSDA (on pages 18 and 60) that “[Mick Sherd] Oval will be used exclusively by the school during school hours for delivery of the school curriculum”. In relation to this:**

- (a) **does Council believe that an arrangement giving the Department of Education exclusive use of Mick Sherd Oval during school hours would be lawful?**
- (i) **if so, how has it reached this conclusion?**
- (ii) **if not, what steps has Council taken to:**
- A. **notify the Department of Education and the Department of Planning that it does not believe such arrangements would be lawful; and**
- B. **otherwise comply with its obligations under Section 3.13(1) of the Crown Land Management Act 2016?**

Council is not proposing to provide exclusive use of Mick Sherd Oval.

- (b) **is Council satisfied that that delivery of a school curriculum is a form of public recreation?**

Physical activity and playing of sports and recreation by students at a public school is considered public recreation.

- (c) **is Council satisfied that use of Mick Sherd Oval for the purpose of delivery of a school curriculum is permitted under section 2.12 of the Crown Land Management Act?**
- (i) **if so, how has it reached that conclusion?**
- (ii) **if not, what steps has Council taken to:**
- A. **notify the Department of Education and the Department of Planning that it does not believe such use would be lawful; and**
- B. **otherwise comply with its obligations under Section 3.13(1) of the Crown Land Management Act 2016?**

Physical activity and playing of sports and recreation by students at a public school is considered public recreation.

The following questions are about Bungendore Pool and Palerang Council Chambers.

**10. The lease of 10 Majara Street, Bungendore, referred to at item 10.1 in the Agenda for the Council meeting of 25 May 2022, was expressed to expire on 30 November 2022. Has it been extended?**

**(a) If so, until what date?**

**(b) If not, what [is] the basis for Council's continuing occupation of the site?**

Yes, it has been extended until 30 June 2023 to retain Council Customer Services in Bungendore and some staff office space whilst a temporary office solution is being resolved.

**11. In relation to the Bungendore Swimming Pool:**

**(a) this lease referred to at item 10.1 in the Agenda for the Council meeting of 25 May 2022 was expressed to expire on 16 March or upon the approval of the State Significant Development Application. Is the expiry on the first or the last to occur of these?**

Last.

**(b) Has this been extended? If so, until when?**

Yes, until the end of the 2022-23 swimming season that ends in March.

**(c) If not, when does Council anticipate delivering vacant possession of the pool?**

N/A

**(d) Is Council aware of any arrangements in place for the ongoing security of the site following delivery to the Department of Education?**

No.

**(e) A member of the public has reported to us that the Member for Monaro "has told people that the swimming pool is scheduled for destruction as soon as the swim season is over."**

**(i) Is Council aware of any proposal to undertake any demolition works at the site (other than following development consent given in respect of the Bungendore High School SSDA)? If so:**

**A. please give details of such proposal; and**

**B. is Council aware of any application for development consent or a complying development certificate in respect of such demolition (other than the SSDA)?**

No, however it is more appropriate to refer these questions to the Conditions of Consent <https://www.planningportal.nsw.gov.au/major-projects/projects/new-high-school-bungendore>

- (ii) Is any part of the Bungendore Swimming Pool site outside the area compulsorily acquired by the Department of Education? If so, has Council reached any agreement with the Department of Education in relation to the protection (or demolition) of Council assets on that part of the site?

Not to date.

**12. In relation to Resolution 017/23 of 18 January 2023 (Item 16.2):**

- (a) When did Council receive notice of the proposed acquisition?**

23 December 2022.

- (b) What are the terms of the interest proposed to be acquired?**

The DoE proposes that the lease be on the following key terms;

- exclusive use of the Council Portion for a period of 18 months from the date of gazettal; and permitted use to include;
  - demolition of the Bungendore Swimming Pool and associated structures and improvements,
  - disconnect and terminate services supplying Bungendore Swimming Pool,
  - works ancillary to the construction of the proposed new high school; and,
  - make good of the Council Portion prior to termination of the lease to provide a level site with landscaping consistent with the surrounding park land.

- (c) What compensation was offered for such proposed acquisition?**

None. The value is to be determined by the compulsory acquisition process. Council has sought a compensation as itemised in Resolution 017/23.

- (d) What is the “Council Portion”? Is a map or diagram available to illustrate this?**



**(e) Was resolution 017/23 passed in the form originally proposed at Agenda Item 16.2? If not, what was the recommendation originally set out in the Agenda?**

The words 'with compensation payable to be determined by the Valuer-General in accordance with s 2.24(3) of the *Crown Land Management Act 2016*' were added to point 2 of the original recommendation.

**(f) What is the public purpose for which the proposed acquisition is to occur?**

To deliver the new Bungendore High School.

**13. Has Council received notice of any other proposed compulsory acquisition of land (or an interest in land) in or around Bungendore Park or Bungendore Common since 1 July 2022? If so:**

**(a) When did Council receive notice of the proposed acquisition?**

**(b) What is the interest proposed to be acquired?**

No.

**14. Given the importance of Bungendore Swimming Pool to Bungendore's social history, has Council considered nominating this site for heritage protection under the PLEP?**

No

The following questions are about off-site works for proposed Bungendore High School.

**15. Is Council aware of any driveway, crossover, or kerb proposed to be constructed on Bungendore Common as part of the proposed Bungendore High School development? If so:**

**(a) how (and at whose cost) will this be procured?**

Refer to plans for proposed Bungendore High School. The cost will be borne by the applicant.

**(b) has Council, in its capacity as the relevant road authority, consented to (or agreed to undertake) such works to the extent they relate to a Council public road?**

Not to date.

**(c) has Council, in its capacity as Crown land manager, consented to (or agreed to undertake) such works to the extent they will occur on Crown land?**

Not to date.

**(d) If the answer to either of the above is yes, when and in what form was this consent or agreement communicated? In each case, what factors did Council consider in giving such consent or agreement?**

N/A

**(e) If the answer to either of the above is no, does Council anticipate that its consent will be required? Does it propose to consent? What factors will it consider in determining whether to give consent?**

Refer to the SSDA Determination and Conditions of Consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/new-high-school-bungendore>

**16. Council will be aware that the current proposal for the Bungendore High School includes construction of car parking on Turallo Terrace. In relation to this:**

**(a) how (and at whose cost) will this be procured?**

Construction of car parking on Turallo Terrace is subject to the Bungendore High School SSDA Determination and Conditions of Consent. If construction is required, this will be at the expense of the applicant.

**(b) has Council consented to (or agreed to undertake) such works, to the extent they will occur on Council land? What factors did Council consider in giving such consent or agreement?**

Council made its objections clear in both submissions responding to EIS and amended plans. This is available on the Department of Planning Major Projects website.

**(c) If the answer to either of the above is yes, when and in what form was this consent or agreement communicated?**

Council made its objections clear in both submissions responding to EIS and amended plans. This is available on the Department of Planning Major Projects website

**(d) If the answer to either of the above is no, does Council anticipate that its consent will be required and/or that it will be asked to undertake the relevant works? Does it propose to consent? What factors will it consider in determining whether to do so?**

Council made its objections clear in both submissions responding to EIS and amended plans. This is available on the Department of Planning Major Projects website.

**17. Council will be aware that the current proposal for the Bungendore High School includes the construction of roundabouts at the intersections of Gibraltar Street with Majara Street and Butmaroo Street in Bungendore. In relation to these:**

**(a) how (and at whose cost) will these be procured?**

Construction of roundabouts are subject to the Bungendore Highschool SSDA Determination and Conditions of Consent. If construction is required, this will be at the expense of the applicant.

**(b) has Council consented to or agreed to undertake such works, to the extent they will occur on Council land?**

Council made its objections clear in both submissions responding to EIS and amended plans. This is available on the Department of Planning Major Projects website.

**(c) If the answer to either of the above is yes, when and in what form was this consent communicated? What factors did Council consider in giving such consent?**

Council made its objections clear in both submissions responding to EIS and amended plans. This is available on the Department of Planning Major Projects website.

- (d) **If the answer to the above is no, does Council anticipate that its consent will be required and/or that it will be asked to undertake the relevant works? Does it propose to consent? What factors will it consider in determining whether to do so?**

Council made its objections clear in both submissions responding to EIS and amended plans. This is available on the Department of Planning Major Projects website.

**The following questions are about the Bush Balladeers' Place of Recognition.**

- 18. Can Council please provide an update on the current status of any proposal to relocate the Bush Balladeers' Place of Recognition from Bungendore Park? In particular:**

- (a) **when and where is it proposed to be relocated?**

Relocation of the Bush Balladeers Place of Recognition is subject to the Bungendore Highschool SSDA Determination and Conditions of Consent  
<https://www.planningportal.nsw.gov.au/major-projects/projects/new-high-school-bungendore>

- (b) **how (and at whose cost) will this be procured?**

Relocation will be at the expense of the applicant.

- (c) **what consultation is Council undertaking in relation to any proposed relocation? What was the outcome of that consultation?**

Please see response to 18(a) above.

- (d) **has Council consented to or agreed to undertake any works, to the extent they will occur on Council land?**

Please see response to 18(a) above.

- (e) **If the answer to the above is yes, when and in what form was this consent communicated? What factors did Council consider in giving such consent?**

Please see response to 18(a) above.

- (f) **If the answer to the above is no, does Council anticipate that its consent will be required and/or that it will be asked to undertake the relevant works? Does it propose to consent? What factors will it consider in determining whether to do so?**

Please see response to 18(a) above.

**The following questions are about the new Bungendore Pool.**

- 19. Can Council please provide an update on the current status of the design and procurement of the proposed new Bungendore swimming pool?**

Design work is currently underway. Tenders and construction will follow, subject to funding becoming available.

- 20. What is Council's current estimated total cost of construction for the new Bungendore swimming pool?**

Cost estimates are based on an 8-lane 25m pool at \$10million.

**21. When does Council estimate the new pool will be opened?**

Approximately 12 months after construction commences. There is no fixed date until funding becomes available.

**22. Is Council aware of any matters which may delay the delivery of the proposed new Bungendore swimming pool?**

See above.

## **Questions submitted by: Emma Brooks Maher**

**The following questions are about dimensions of elements of Bungendore Park.**

In accordance with Crown Land Management Act 2016 (CLMA) Queanbeyan-Palerang Regional Council (QPRC) was gazetted as Crown Land Manager on (when? please advise).

The following questions relate to QPRC management in regard to the Crown Land (CL) reserve gazetted in 1884 as BUNGENDORE PARK and dedicated since then for the public purpose of public recreation.

**23. As at 23 Jan 2023, what is the total land area size of Bungendore Park in m<sup>2</sup>?**

Approx 3.5Ha

**24. Within Bungendore Park, what are the various sizes, this in both measurement and m<sup>2</sup> area, of the different elements which occupy that park area, these being –**

- (a) the War Memorial and the surrounds designated as its direct curtilage?**
- (b) the total area designated as “Mick Sherd Oval”?**
- (c) the size and m<sup>2</sup> detail for component areas of “Mick Sherd Oval”, these being –**
  - (i) the full playing area as marked?**
  - (ii) the regulation perimeter as required for player safety?**
  - (iii) the surrounding area as allowed for spectators?**

Approx 1.5Ha

**25. the building identified online as “Mick Sherd Shed”?**

**26. the extensions to that building referred to as the new canteen and facilities block?**

**27. the new children’s \$1.2 million Playground?**

**28. the total area occupied by the Bungendore Park Tennis Club (Tennis Club)?**

**29. the so-called Tennis Club car park with entry off Butmaroo St?**

**30. the “Poets Corner” otherwise known as Bush Balladeers Music Muster?**

**31. the large car park area fronting Gibraltar St?**

**32. the non-acquired area of Bungendore Swimming Pool?**

**33. the area occupied by paving and pathways?**

**34. the reference name and size of any remaining areas not identified above?**

**35. the number and details of picnic tables and any other community facilities?**

Council does not have the staff resources required to respond comprehensively to questions 26-35.

**The following questions are about naming and approvals at Mick Sherd Oval and Bungendore Park.**

**36. When was the playing area of Bungendore Park officially named as “Mick Sherd Oval”?**

The name dates back to Yarralumla Council and would require an archival search to confirm.

**37. When did QPRC give consent for the Mick Sherd playing area to be re-aligned and new lighting installed?**

Council realigned this playing field. Relocation of one light pole is associated with land acquisition and SSDA.

**38. When did the QPRC give consent for the Tennis Club area to be enlarged and a new, and now fourth, tennis court to be installed?**

The tennis facilities have been improved in consultation with the Club and QPRC Sports Council. The improvements were included in the QPRC Sports Facilities Strategic Plan.

**39. When did QPRC give consent for the enlarged and paved carpark alongside the Tennis Club?**

The realignment and sealing of the carpark was conducted in 2022 as part of the playground redevelopment.

**40. When did QPRC seek, or receive, CL Minister’s approval to proceed with a Development Application for the new children’s Playground ?**

Council was not required to lodge a DA to redevelop a playground on this site.

**The following questions are about a Plan of Management for Bungendore Park.**

In the Minutes of QPRC Meeting of 24 November 2021, Item 10.1 (pp45-52) reports on “Council’s Initial Assignment of Categories for Crown Reserves”. It shows D1000193, being Lot 701 DP1027107, as MICK SHERD OVAL (BUNGENDORE) and instructs QPRC to alter the categorisation to read “Park and Sportsground”, stating –

*Park is a more suitable category for the areas of the reserve not specific to sporting activities such as Children’s playground, footpaths, war memorial and general grassy areas. The category of Sportsground is accepted for the remainder of the reserve.*

From this quote, it would seem that original category applied for re D1000193 was that of “Sportsground”. Given that Council is Crown Land Manager for the land area concerned, certain questions arise from this, all followed by IF NOT – WHY NOT ??

**41. Is QPRC aware that the official name for Lot 701 DP 1027107 is Bungendore Park, and has been this since it was gazetted in 1884, with this name, area and dedication purpose (public recreation) being formally proclaimed in 1886?**

Council is aware the official name of lot 701 DP1027107 is Bungendore Park.

**42. Is QPRC aware that the above categorisation as at Nov 2021 only comes into effect when included in an approved Plan of Management (PoM)?**

Categorisation of Community Land is the first step. The development of a Plan of Management then follows.

**43. Is QPRC aware that there is no PoM for Bungendore Park? When is this PoM process set to begin, and for what completion date?**

Yes. Subject to the availability of staff resources it is anticipated that this process will be undertaken and completed in the 2024 calendar year.

**44. Is QPRC aware that because more than one category has been approved for D1000193, then Bungendore Park must have its own site-specific PoM and cannot be included in a generic QPRC version for multiple “Parks”?**

Council will be preparing a PoM that complies with the relevant legislation.

**45. Is QPRC aware that until such time as there is a PoM for Bungendore Park, the gazetted purpose of “Public Recreation” is the only legal activity which can occur in this Park, other than one which complies with CLMA strict rules for a “secondary” use?**

It is not Council’s intent to change the purpose of the reserve.

**46. Is QPRC aware that unless, and until, there is an approved PoM to say otherwise, the area of Mick Sherd Oval remains a grassy playing field within a Park?**

Whether Mick Sherd Oval is called a sportsground, a playing field or a rugby field, is semantics and irrelevant to its use for public recreation.

**47. Is QPRC aware that Council’s website currently misrepresents the above with an online description of Mick Sherd Oval as a “sportsground” and in CL terms, this is technically an invalid offer?**

This is not a misrepresentation; Mick Sherd Oval is a sports ground.

**48. Is QPRC aware that as CL Manager for Bungendore Park, Council has a statutory, and non-negotiable, duty of care to ensure that (other than any minor variation as allowed by the CLMA, or until there is a PoM that says otherwise) Bungendore Park is available solely for public recreation?**

Council is not proposing to use Bungendore Park for any other purpose than that of Public Recreation.

**49. Is QPRC also aware that a CL Manager has no authority or power to include hire of a CL area dedicated for public recreation within an advertised chart of fees and charges for “Sportsgrounds”?**

The Crown Lands Management Regulation 2018 authorises the setting of fees and the CLMA 2016 requires council to manage the reserve as community lands within the LGA 1993.

**50. Is QPRC aware the two ovals currently the subject of a plan to exhibit their ongoing use by the Dept of Education as subject to an annual fee of \$20,000 are NOT the same, in that while David Mayhew Oval is a Council-owned, Mick Sherd Oval is Council-managed, so any use must comply with the CLMA – and right now, this means public recreation?**

The CLMA 2016 requires Council to manage public reserves as if they were Community Lands under the Local Government Act.1993.

**51. Given all the above, how does QPRC intend to justify its recent vote to allow the Dept of Education to take over Mick Sherd Oval for operational and curriculum activities (which by definition are NOT “public recreation) and no matter what the reason, monopolise this large area of Bungendore Park for up to 20 hours a week, all school weeks of the year?**

Physical activity and playing of sports and recreation by students at a public school is considered public recreation.

**52. On what grounds does QPRC consider that making this a “temporary” provision can be sufficient excuse for allowing a significant breach of Crown Land law?**

N/A

## Questions submitted by: Gervais Murphy

The following questions are about the sale of Council property.

**53. What was the process adopted in the sale of these properties?**

Council engaged a commercial real estate agent to sell the properties.

**54. Were tenders invited?**

Expressions of interest were invited for the purchase of the sites.

**55. What was the sale price and how was it determined**

The price was determined by open tender. The offers were presented to Council during closed session at the 27 October 2021 Meeting of Council. Council resolved to accept the offer from Village Building Company for \$8 million.

**56. What are the Lot and DP numbers of the land sold?**

257 Crawford Street, LOT 2 DP 1179998; 6 Rutledge Street, Lot 13 DP 771673.

**57. Were there any special conditions included in the sale?**

No.

**58. What is the Minute Number and date of Meeting at which the Council authorised the sale?**

Resolution number 353/21. Item 16.3 at the 27 October 2021 Meeting of Council. The item was considered in closed session.

The following questions are about the engagement of consultant Morrison Low.

**59. Was this Consultancy arranged under delegated authority?**

Yes.

**60. Were any other Consultants considered?**

Yes, the consultants were selected from Local Government Procurement Panel LGP218 for management consultancy services which includes KPMG, OCM, Grant Thornton, Crowe Australasia and others.

**61. Were the Councillors involved in the decision?**

No.

**62. What were the terms of reference for the Consultancy?**

There were two separate consultancies with Morrison Low:

1. The request for service to Morrison Low for the Organisational Review was:
  - To conduct an organisational service review, in the context of an SRV discussion with Council and the community
  - On the basis of Council's completed service planning work, to work with the leadership team and Councillors over several workshops to identify potential savings and prioritisation of service delivery
  - To complete the work in advance of the SRV discussion with the community.

The Morrison Low proposal in response to the Council request includes:

- Conducting an organisation-wide service review aimed at identifying improvements to Council's financial position to create a productivity improvement program to support a special rate variation (SRV) application to IPART and provide options for community engagement to mitigate the size of any SRV.
- Developing a prioritisation matrix model for the development of a detail service review program.
- Providing a framework for ongoing, detailed service reviews.

2. Morrison Low were also engaged to review Council's financial position and present its assessment to Councillors at a Council workshop, and then to work with Councillors over additional workshops to consider the options and reach a financially sustainable position. This was a separate engagement and the delivery was direct to Councillors over several face-to-face workshops.

In response to Council's request, Morrison Low submitted a proposal to provide a Long Term Financial Plan (LTFP) model and financial review in support of a proposed special rate variation (SRV) application, to be implemented from 1 July 2023. One of the key elements of an SRV is a current LTFP, incorporating the requirements of an Asset Management Strategy (AMS) and associated plans (AMPs), a productivity improvement plan which details potential cost savings and/or increased income. The proposal details the requirements that will satisfy the relevant IPART criteria that needs to demonstrate the financial impacts and options for the application.

**63. As the Report is headed Organisational Services Review what relevance does it have to the draconian rate increases publicly announced by the Council?**

As mentioned above, the Review aimed at identifying improvements to Council's financial position to mitigate the size of any special rate variation.

**64. What is the Consultancy Fee paid to the work carried out? The answer to this question cannot be dodged by claiming "commercial in confidence" as the work has been completed and it is unconceivable that a similar consultancy will arise again?**

The total cost of the Organisational Service review and Prioritisation matrix model was \$45,000.

The total cost of financial assessment and financial models was \$34,750 plus travel disbursements. However, after two workshops with the consultants, Council requested additional financial models and these were negotiated at an additional cost of approximately \$8,000.

## Questions submitted by: Queanbeyan Ratepayers and Residents Association

65. Question 4 of the questions we submitted on 18 January asked 'How many new houses had been enabled by the EDE project?' The NSW government LCLI indicated that 5161 new homes would be enabled by the EDE project.

Your response helpfully stated that between 2006 and 2021, the number of dwellings in Queanbeyan had grown by 4006 and that Jumping Creek has been approved for 212 residential blocks and one residential rural block.

- (a) Can you explain how new dwellings built prior to the building of the EDE have been enabled by that project?

Part of the long-term planning of Queanbeyan over the last 30 years has included major road improvements to enable and to support growth. As previously reported the EDE was one of a package of transport infrastructure projects or improvements to enable the growth of Queanbeyan between 2006 to 2031 and to ensure that the Queanbeyan traffic system would not fail as a result of that growth. These improvements were also anticipated to be constructed throughout that period with some such as the EDE being constructed and others yet to be constructed. Consequently, all the growth that has occurred and will occur between 2006-2031 has been enabled by this package of transport infrastructure improvements. Having long-term transport infrastructure improvements such as the EDE planned and funded allowed Council to agree to the release land at Googong and other areas prior to the completion of the EDE, knowing that items of infrastructure would be in place to support the long-term development of the release area (and without overloading the existing road network).

- (b) Where are these 4006 new dwellings?

The growth figures referred to in the previous response came from those Queanbeyan suburbs that grew during the period 2006-2021. Consequently, they are spread throughout Queanbeyan and include Googong. It should also be noted that the additional dwelling number should be 4066 not 4006 as previously reported.

66. Question 5 of the questions that we asked on 18 January was 'What percentage of the EDE loan is being funded by QPRC ratepayers?'

On 30 June 2016 the then Administrator stated that the \$36M would be funded by 'Googong Developer' contributions.

On 25 March 2020 a response to a Public forum question stated that the Googong Developer' contributions had changed to 67% of the loan. Your response to our 18 January question included information about the funding sources for the EDE and reiterated that the principal and interest on the \$36M was being funded by the Googong Developer. However, the next paragraph contradicts this and states that GTPL is paying \$25.7M which is calculated as 71.39% of the total loan.

So the question remains.

- (a) Is the Googong Developer funding 100%, 71.39% or 67% of the \$36M loan?

At the time the Voluntary Planning Agreement was signed, GTPL agreed to contribute 67.45% of the total loan repayments of principal plus interest based on estimated loan repayments of a \$36M loan over 10 years at 1.54% interest.

GTPL will pay \$25.8M by the end of the 10 year loan. And the total actual cost of the loan repayments after a government subsidy is \$38.98M.

The 67.45% was calculated based on the 2014 Traffic Study (as updated) that attributes the cost of traffic to the different developments that add traffic volume to the road.

- (b) **Could you please advise the date of the QPRC council meeting, and which resolution pertains to the Googong Developer contributions being amended from 100% to either 67% or 71.39% (whichever figure is actually accurate)?**

This question will be responded to when staff resources allow.

- (c) **Could you please advise why the Googong Developer is no longer liable for 100% of the loan?**

The traffic study lists all the development that contributes to road traffic volume, and the estimated percentage splits that are then recovered from current and future developers through voluntary planning agreements. The traffic study is on Council's website: [Planning Studies & Strategies - Queanbeyan-Palerang \(nsw.gov.au\)](http://www.qprc.nsw.gov.au/Planning-Studies-&-Strategies-Queanbeyan-Palerang)

The relevant section of the Traffic Study is *South Jerrabomberra and Queanbeyan Traffic Analysis - Part 4 Report - Contributions Analysis - December 2014*, and the relevant table is on page 5.

- (d) **Could you please advise what % of the loan that the QPRC ratepayers are liable?**

This question will be responded to when staff resources allow

- (e) **Could you please advise who the 'other' developers are and why they are now partially responsible for the loan?**

Refer c) above.

**67. Question 8 of our questions asked about the risk assessment undertaken prior to the \$36M loan for the EDE project being taken. The response provided did not answer the question. So we ask again.**

- (a) **What risk assessment was undertaken prior to the \$36M loan being taken out?**

This question will be responded to when staff resources allow

- (b) **If such a risk assessment was undertaken, what was the conclusion?**

This question will be responded to when staff resources allow

**68. Are sporting clubs charged for electricity used for floodlights on sports fields?**

Yes, these costs are absorbed by season fees paid by sporting groups in the LGA. These fees can be observed in the QPRC Fees and Charges.

**69. What is the cost of line marking sports fields in the LGA?**

Line marking costs are included in sports ground maintenance and offset by the fees and charges for these facilities.

**70. Is the cost of line marking sports fields passed onto the sports club?**

Yes, these costs are passed on to sporting groups who use these facilities.

**71. What was the cost of the Australia Day activities staged in Queanbeyan, Braidwood, Bungendore and Captains Flat, including the fireworks display?**

The cost of Australia Day activities across the local government area for 2022 was \$22,500 and a similar amount has been budgeted this financial year. This included \$5,500 for the fireworks display.